S.B.Civil Second Appeal No.433/2006.

Shri Ram.

vs.

Municipal Board, Suratgarh and another.

Date : 18.5.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.SK Gupta, for the appellant.
Mr.K Khatri, for the respondent no.2.

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Heard learned counsel for the parties.

The plaintiff/appellant filed a suit for cancellation of patta which was granted in favour of the defendant no.2 by the defendant no.1 Municipal Board, Suratgarh on 27.6.1984 which was registered on 24.12.1985 and also for injunction. The plaintiff filed the suit without serving the notice under Section 271 of the Rajasthan Municipalities Act, 1959 as well as filed the suit after 10 years from the date of issuance of the patta. It has come on record that the plaintiff had knowledge of grant of patta to the defendant no.2 since beginning. The plaintiff preferred appeal to challenge the patta in the year 1987. The trial court

ignored all these facts but the appellate court after appreciating all the facts allowed the appeal of the defendant no.2 vide judgment and decree dated 14.3.2005 and set aside the judgment and decree of the learned trial court dated 26.5.1999 and I do not find any illegality in the judgment and decree of the first appellate court.

In view of the above, I do not find any substantial question of law involved in this appeal.

Consequently, this second appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya